REMARKS

1.   Claims 1-60 were pending. Claims 1-31, 33-34, 36-40, 43, 45-46, 48-51, and 53-60 have been amended. No claims have been cancelled. Claims 61-71 have been added. No new matter has been added. Claims 1-71 are now pending. Reexamination and reconsideration of the application, as amended, are requested.

2.   Rejections under 35 U.S.C. § 102

Claims 1-9, 12-19, 21-22, 24-25, 27, 34-35, 43, 48, 50-52, 57-58, and 60 are rejected under 35 U.S.C. 102(e) as being anticipated by Tanaka (US Patent No. 6,299,535. Claims 1, 10-11, 13, 20, 22-23, 26-33, 36-43, 44-49, and 57 are rejected under 35 U.S.C. 102(b) as being anticipated by Links 386CD Players Manual ("Links"). The Applicant respectfully traverses the rejections and requests consideration of the following.

A.   Applicant's Disclosure

The present application discloses a video game system console that can include a processor, a portable media reader, and a non-removable hard disk drive. The hard disk drive stores a video game console application to which the video game system console boots so as to present a graphical user interface that provides navigation to media on the video game system console.   Unlike a general purpose personal computer, the video game system console is for playing video

games. The video games are played by executing video game instructions read from removable media by the portable media reader.

The Specification supports the foregoing at Page 3, lines 4-12:

> A console application stored on the hard disk drive implements a user interface to allow user interaction with the gaming system. The game console boots into the console application upon power up or system reset. The console application also performs various functions necessary to operate the gaming system.

Additional support is seen in the Specification at Page 10, lines 11-12:

> If the hard disk drive 208 is not functioning properly, the gaming system 100 may not boot successfully.

By way of example of the foregoing, when the video game system console is booted or reset, a user interface for the video gaming system is output by the video game system console for display, such as is seen in FIG. 9. The user interface is for the use of a player to play video games with the video game system console. A video game is represented as instructions in media stored on a removable disk read by the portable media reader. When so supplied by the player, the video game program that was loaded upon boot can play the video game represented as instructions in media stored on the removable disk.

B.   The Teachings of Tanaka (US Patent No. 6,299,535) and of Links

1.   Tanaka (US Patent No. 6,299,535) teaches a personal computer that functions as a general purpose computer. While the specification makes various references to playing video games with a game system, the game system is disclosed to be a general purpose computer as is seen at Col. 9, lines 1-6:

At startup, the CPU 12 reads the program and data required for execution of the game through the CD-ROM drive 18 from a computer readable program product, that is, the CD-ROM 30, based on the operating system stored in the ROM 13 and transfers the same to the RAM 14 and hard disk drive 15.

Accordingly, CPU 12 boots with an undescribed, and thus conventional, operating system that was loaded into CPU 12 from ROM 13. The operating system can then operate within CPU 12 in a conventional manner to execute the game found on media as read from CD-ROM 30 by CD-ROM drive 18, as is conventional with personal computer gaming. As such, Tanaka teaches a boot of the operating system that is stored in ROM 13 rather than a boot into a video game system console from boot instructions on hard disk drive 15. Moreover, the general purpose nature of the computing system taught by Tanaka for playing video games is seen at Col. 13, lines 8-15:

> Note that the game control method explained in the present embodiment may be realized by execution of a prepared program by a personal computer, video game system, etc. The game program according to this game control method is stored in a hard disk, floppy disk, CD-ROM, magneto-optic disk (MO), DVD, or other computer readable program product. The game program is read from the program product by a computer, and the game program executed by the program. Further, the program may be distributed through such a program product or through the Internet or other networks.
> Therefore, some program products can be distributed and sold independently from the game system as software products. Further, by use of a computer or other hardware and using this software, it becomes possible to easily work the game technique of the above embodiment by this hardware.

From the foregoing, it can be seen that the boot process for the system of Tanaka is not described specifically with respect to a video game system console for playing video games, and more particularly is not taught as initialing loading a video game program in the boot sequence. Rather, the hard disk drive seen reference numeral 15 of Figure 1 of Tanaka serves the functions of a general purpose computer

for which the boot process is conventional and thus need not be described in order to implement the teachings of Tanaka. As such, the hard disk drive of Tanaka would be understood by those of ordinary skill in the relevant arts as being of use for general, not specific, purposes in that the hard disk drive of Tanaka is not taught as being specific to the execution of a video game program that is initially loaded upon boot.

A general purpose computer boots into a general purpose state for executing programs of a variety of types, with a video game program being one of many types of programs that can be executed after the boot process. After the general purpose computer had been booted, it can then execute any such type of program. In that Tanaka teaches booting to initiate a general purpose program, unlike Applicant's disclosure, Tanaka does not teach booting to initiate a video game program. As such, Tanaka does not does not teach all of the elements of any of the independent claims, as amended or as added.

2. Similar to Tanaka, Links provides documentation that teaches a personal computer that functions as a general purpose computer by operating a Disk Operating System (DOS) as seen from the conventional DOS diagnostics, for instance, at Pages 11-12, the Technical Reference Section beginning at Page 53, and the FAQs beginning at Page 71. After the personal computer has been booted with its general purpose DOS operating system, it can then execute any of a variety of DOS programs, including the LINKS 386 CD game program. In that Links teaches booting to initiate a general purpose program, unlike Applicant's disclosure, Links does not teach booting to initiate a video game program. As such, Links does not teach all of the elements of any of the independent claims, as amended or added.

C. <u>Summary</u>

The pending independent claims, as amended, recite limitations not found in the applied references. Such limitations are missing from both the applied art and the art of record, both alone and in any combination. Moreover, these missing limitations are not otherwise supported by way of official notice, stated scientific theory, basis for common knowledge in the art, or cited legal precedent. As such, the independent claims, and claims dependent therefrom, as amended or added, are allowable over the applied art.

The Applicant respectfully maintains that the present application is in condition for allowance. Reconsideration of the rejections is requested. Allowance of Claims 1-71 at an early date is solicited. In the event that the Examiner finds any remaining impediment to a prompt allowance of this application that could be clarified by a telephonic interview, the Examiner is respectfully requested to initiate the same with the undersigned attorney.

Dated this 6 day of December, 2002.

Respectfully submitted,

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Specification Amendment Mark up under 37 C.F.R. § 1.121(b)1(iii)

In accordance with 37 C.F.R. § 1.121(b)1(iii): marked up version of the amended paragraph in the Specification at Page 2, lines 10-12 as follows:

Accordingly, there is a need for an improved data handling mechanism for gaming systems that includes an internal data storage device, such as a hard disk drive.

Marked up Version of the Pending Claims Under 37 C.F.R. § 1.121(c) (1) (ii):

Amend Claims 1-31, 33-34, 36-40, 43, 45-46, 48-51, 53-60 as follows and in accordance with 37 C.F.R. §1.121(c)(1)(ii), by which the Applicant submits the following marked up version only for claims being changed by the current amendment, wherein the markings are shown by brackets (for deleted matter) and/or underlining (for added matter):

1. . (Once Amended)   A <u>video</u> game <u>system</u> console[,] comprising[: a processor and] a hard disk drive <u>that is</u> non-removable <u>from the video game system console</u> [coupled to the processor] <u>and that stores a video game console application to which the video game system console boots that presents a graphical user interface providing navigation to media on the video game system console.</u> [the hard disk drive being configured to store various data associated with the game console.]

2. (Once Amended)   A <u>video</u> game <u>system</u> console as recited in claim 1, <u>wherein the media is selected from the group consisting of:</u>

<u>media to play a game;</u>

<u>media to watch a movie; and</u>

<u>media to listen to music.</u> [further including a memory coupled to the processor.]

3. (Once Amended)   A <u>video</u> game console as recited in claim 1 further including a portable media drive coupled to <u>a</u> [the] processor and configured to communicate with a storage disc <u>upon which the media is stored</u>.

4. (Once Amended) A <u>video</u> game <u>system</u> console as recited in claim <u>3</u> [1] [further including] <u>wherein the video game</u> console application <u>is</u> stored on the <u>non-removable</u> hard disk drive and <u>is</u> executable on the processor[, the console application configured to implement a user interface to the gaming system].

5. (Once Amended) A <u>video</u> game <u>system</u> console as recited in claim <u>3</u> [1] further including a portable memory unit coupled to the processor.

6. (Once Amended) A <u>video</u> game <u>system</u> console as recited in claim <u>5</u> [1] wherein the <u>portable memory unit is coupled to the processor via a game controller for receiving user input</u> [hard disk drive is configured to store game data, audio data, and video data].

7. (Once Amended) A <u>video</u> game <u>system</u> console as recited in claim 1 wherein the <u>non-removable</u> hard disk drive is segregated into a plurality of regions, each region for storing a particular type of data.

8. (Once Amended) A <u>video</u> game <u>system</u> console as recited in claim 1 wherein the <u>non-removable</u> hard disk drive is segregated into a user data region, an application region, and a console application region.

9.   (Once Amended)   A <u>video</u> game <u>system</u> console as recited in claim 1 wherein the <u>non-removable</u> hard disk drive is segregated into a settings region, a user data region, an application region, a utility region, and a console application region.

10.   (Once Amended)   A <u>video</u> game <u>system</u> console as recited in claim 1 wherein the <u>non-removable</u> hard disk drive is configured to store data associated with multiple saved games.

11.   (Once Amended)   A <u>video</u> game <u>system</u> console as recited in claim 1 wherein the <u>non-removable</u> hard disk drive is configured to store a list of recently used nicknames.

12.   (Once Amended)   A <u>video</u> game <u>system</u> console as recited in claim 1 <u>further comprising an enclosure for the processor, the non-removable hard disk drive and port for interfacing with a game controller.</u>

[wherein the game console boots into a console application stored on the hard disk drive.]

13.   (Once Amended)   A <u>video</u> game <u>system</u> console[,] comprising <u>a housing that contains each of:</u>

<u>a portable media reader;</u>

a processor; and

a hard disk drive coupled to the processor, the hard disk drive being configured to boot the <u>video</u> game <u>system</u> console and to store data associated with the <u>video</u> game <u>system</u> console[.], <u>wherein the processor:</u>

<u>is coupled to receive video game instructions for a video game from portable media in the portable media reader;</u>

<u>executes the video game using the game instructions read from the portable media in the portable media reader;</u>

<u>is coupled to a controller to receive user commands when executing the video game.</u>

14.   (Once Amended)   A <u>video</u> game <u>system</u> console as recited in claim 13 wherein, <u>when executing the video game, the processor sends video game data to the controller to be saved</u> [the game console boots into a console application stored on the hard disk drive].

15.   (Once Amended)   A <u>video</u> game <u>system</u> console as recited in claim 13 wherein the hard disk drive is permanently installed in the <u>housing</u> [game console].

16. (Once Amended) A <u>video</u> game <u>system</u> console as recited in claim 13 further including a memory coupled to the processor.

17. (Once Amended) A <u>video</u> game <u>system</u> console as recited in claim 13 wherein the hard disk drive contains a console application configured to implement a user interface to the gaming system.

18. (Once Amended) A <u>video</u> game <u>system</u> console[as recited in claim 13 further including] <u>comprising a processor and a non-removable hard disk</u> <u>drive coupled to the processor, wherein the non-removable hard disk drive stores a</u> <u>video game console application to which the video game system console boots.</u>

[a console application stored on the hard disk drive, the console application being configured to generate a listing of user data stored on the hard disk drive.]

19. (Once Amended) A <u>video</u> game <u>system</u> console as recited in claim <u>18</u> [13] wherein the hard disk drive is configured to store application data such that data associated with one application is inaccessible to other applications.

20. (Once Amended) A <u>video</u> game <u>system</u> console as recited in claim <u>18</u> [13] wherein the hard disk drive is configured to store saved game data such that saved game data associated with a particular game is stored separately from saved game data associated with other games.

21.   (Once Amended)   A <u>video</u> game <u>system</u> console as recited in claim 18 [13] wherein the hard disk drive is configured to store saved game data in a user data region and configured to store application-related data in an application data region.

22.   (Once Amended)   A <u>video</u> game <u>system</u> console, comprising:

a processor; and

a hard disk drive coupled to the processor, the hard disk drive being segregated into a first region to store user data <u>that includes game data saved by a user of the</u> <u>video game system console when the processor executes a video game;</u> and

a second region to store application data <u>that includes data specific to the video</u> <u>game executed by the processor</u>, wherein user data associated with <u>the video game</u> [a particular application] is segregated from user data associated with other <u>video game</u> applications and wherein <u>the</u> application data associated with <u>the video game</u> [a particular application] is segregated from application data associated with other <u>video</u> <u>game</u> applications.

23.   (Once Amended)   A <u>video</u> game <u>system</u> console as recited in claim 22 wherein the user data includes saved game data.

24.   (Once Amended)   A <u>video</u> game <u>system</u> console as recited in claim 22 wherein the application data includes data to be used during future executions of the associated application.

25.   (Once Amended)   A <u>video</u> game <u>system</u> console as recited in claim 22 further including a console application stored on the hard disk drive, the console application being configured to generate a list of user data stored in the first region.

26.   (Once Amended)   A <u>video</u> game <u>system</u> console as recited in claim 22 wherein the disk drive is configured to store a list of recently used nicknames.

27.   (Once Amended)   A method comprising:

identifying a game identifier associated with a <u>video</u> game installed in a <u>video game system console</u>, wherein the <u>video game system console</u> [gaming system] contains a hard disk drive;

determining portions of the hard disk drive that are associated with the <u>video</u> game based on the game identifier; and

preventing the <u>video</u> game from accessing portions of the hard disk drive that are not associated with the game.

28.   (Once Amended)   A method as recited in claim 27 further including saving a current state of the <u>video</u> game to the hard disk drive in response to a save game request.

29.   (Once Amended)   A method as recited in claim 27 further including retrieving a list of saved games associated with the <u>video</u> game installed in the <u>video game system console</u> [gaming system].

30. (Once Amended) A method as recited in claim 27 further including:

retrieving a list of saved games associated with the <u>video</u> game installed in the <u>video game system console</u> [gaming system]; and

displaying the list of saved games to a user of the <u>video game system console</u> [gaming system].

31. (Once Amended) A method as recited in claim 27 further including:

retrieving a list of saved games associated with the <u>video</u> game installed in the <u>video game system console</u> [gaming system];

displaying the list of saved games to a user of the <u>video game system console</u> [gaming system]; and

executing the <u>video</u> game using saved game data selected by the user of the <u>video game system console</u> [gaming system].

32. (Unamended) A method as recited in claim 27 further including retrieving a list of recently used nicknames.

33. (Once Amended)   A method as recited in claim 27 further including retrieving a list of recently used nicknames associated with the <u>video</u> game installed in the <u>video game system console</u> [gaming system].

34. (Once Amended)   A method as recited in claim 27 wherein determining portions of the hard disk drive that are associated with the <u>video</u> game based on the game identifier comprises:

determining a portion of a user data region on the hard disk drive that is associated with the <u>video</u> game <u>that includes game data saved by a user of the video game system console when executing a video game</u>; and

determining a portion of an application data region on the hard disk drive that is associated with the <u>video</u> game <u>and that includes data specific to the video game installed in the video game system console</u>.

35. (Unamended) One or more computer-readable media comprising computer-executable instructions that, when executed, perform the method as recited in claim 27.

36. (Once Amended)   A method comprising:

retrieving a list of recently used nicknames in a <u>video game system console</u> [gaming system];

displaying the list of recently used nicknames to a user of the <u>video game system console</u> [gaming system]; and

allowing the user of the <u>video game system console</u> [gaming system] to select a nickname from the list of recently used nicknames.

37.   (Once Amended)   A method as recited in claim 36 wherein the list of recently used nicknames is associated with a <u>video</u> game installed in the <u>video game system console</u> [gaming system].

38.   (Once Amended)   A method as recited in claim 36 wherein retrieving a list of recently used nicknames includes retrieving the list of recently used nicknames from a <u>non-removable</u> hard disk drive in the <u>video game system console</u> [gaming system].

39.   (Once Amended)   A method as recited in claim 36 further including allowing the user of the <u>video game system console</u> [gaming system] to create a new nickname.

40.   (Once Amended)   A method as recited in claim 36 further including:
allowing the user of the <u>video game system console</u> [gaming system] to create a new nickname; and
adding the new nickname to the list of recently used nicknames.

41.   (Unamended)   A method as recited in claim 36 further including automatically entering the selected nickname into a high score display.

42.   (Unamended) One or more computer-readable media comprising computer-executable instructions that, when executed, perform the method as recited in claim 36.

43.   (Once Amended)   A method comprising:

booting a video game system console from a non-removable hard disk drive integrated into the game console; and

storing data associated with the video game system console on the hard disk drive.

44.   (Unamended) A method as recited in claim 43 further including storing a list of recently used nicknames on the hard disk drive.

45.   (Once Amended)   A method as recited in claim 43 further including:

executing a video game the video game system console; and

storing data associated with multiple saved games on the hard disk drive from the execution of the video game.

46.   (Once Amended)   A method as recited in claim 43 wherein booting a video game system console includes booting the video game system console into a video game console application stored on the hard disk drive.

47. (Unamended) One or more computer-readable media comprising computer-executable instructions that, when executed, perform the method as recited in claim 43.

48. (Once Amended) A method comprising:

initializing a <u>video</u> game <u>system</u> console using a non-removable hard disk drive integrated into the <u>video</u> game <u>system</u> console, wherein the <u>video</u> game <u>system</u> console will not operate unless the hard disk drive is functioning; and

storing data associated with the <u>video</u> game <u>system</u> console on the hard disk drive.

49. (Once Amended) A method as recited in claim 48 wherein the stored data on the hard disk drive includes data associated with multiple saved games <u>from one or more video games executed by the video game system console</u>.

50. (Once Amended) A method as recited in claim 48 wherein initializing the <u>video</u> game <u>system</u> console includes launching a <u>video game</u> console application stored on the hard disk drive.

51. (Once Amended) A method as recited in claim 48 further including executing a <u>video</u> game application installed in the <u>video</u> game <u>system</u> console after initializing the <u>video</u> game <u>system</u> console.

52.   (Unamended) One or more computer-readable media comprising computer-executable instructions that, when executed, perform the method as recited in claim 48.

53.   (Once Amended)   A method comprising:

launching a[n] video game application on a video game system console;

identifying a status of a plurality of temporary storage areas on a hard disk drive contained in the video game system console;

if at least one of the plurality of temporary storage areas is empty, assigning one of the empty storage areas to the video game application; and

if all of the plurality of temporary storage areas contain data, clearing a temporary storage area having an oldest timestamp and assigning the cleared temporary storage area to the video game application.

54.   (Once Amended)   A method as recited in claim 53 wherein the video game application receives user input from a controller couples to the video game system console [is a game].

55.   (Once Amended)   A method as recited in claim 53 further including assigning a particular temporary storage area to the application if the particular temporary storage area contains data associated with the video game application.

56.   (Once Amended)   A method comprising:

launching an application on a video game system console;

identifying a status of a plurality of temporary storage areas on a hard disk drive contained in the <u>video</u> game <u>system</u> console;

if a particular temporary storage area contains data associated with a <u>video game</u> [the] application, assigning the particular temporary storage area to the <u>video game</u> application;

if no temporary storage area contains data associated with the <u>video game</u> application:

if at least one of the plurality of temporary storage areas is empty, assigning one of the empty storage areas to the <u>video game</u> application; and

if all of the plurality of temporary storage areas contain data, clearing a temporary storage area having an oldest timestamp and assigning the cleared temporary storage area to the <u>video game</u> application.

57.   (Once Amended)   A computer-readable medium for a <u>video</u> game <u>system</u> console comprising computer-executable instructions that, when executed, direct the <u>video</u> game <u>system</u> console to:

associate user data with a first region of a hard disk drive contained in the <u>video</u> game <u>system</u> console;

associate <u>video game</u> application data with a second region of the hard disk drive;

allow a[n] <u>video game</u> application to access particular portions of the first region that are associated with the <u>video game</u> application; and

allow the <u>video game</u> application to access particular portions of the second region that are associated with the <u>video game</u> application.

58. (Once Amended) A computer-readable medium as recited in claim 57 further comprising computer-executable instructions that, when executed, direct the <u>video game system</u> console to prevent the <u>video game</u> application from accessing portions of the first region that are not associated with the <u>video game</u> application.

59. (Once Amended) A computer-readable medium as recited in claim 57 further comprising computer-executable instructions that, when executed, direct the <u>video game system</u> console to prevent the <u>video game</u> application from accessing portions of the first region that are not associated with the <u>video game</u> application.

60. (Once Amended) A computer-readable medium as recited in claim 57 wherein the <u>video game</u> application <u>receives user input from a controller couples to the video game system console</u> [is a game].